

UNITED STATES DISTRICT COURT

FILED
IN CLERKS OFFICE

DISTRICT OF MASSACHUSETTS

2003 DEC -8 P 4: 36

UNITED STATES OF AMERICA)

V.)

M.B.D. NO.)

ANTHONY LAVELY)

U.S. DISTRICT COURT
DISTRICT OF MASS.

MJ 01106 -JGD

03 MBD 10393JOINT MOTION OF THE PARTIES TO EXCLUDE TIME

Defendant Anthony Lavelly ("Lavelly") is currently charged by way of complaint in 03-M1106-JGD with receipt and possession of child pornography, in violation of 18 U.S.C. §2252(a)(2) and (a)(4)(B). Herein, the parties jointly move to exclude a period of time (70 days) from the time within which the government would otherwise have to obtain an indictment or file an information. Lavelly first appeared before Magistrate Judge Dein on October 30, 2003. His preliminary examination, originally scheduled for November 17, 2003, was continued at the defendant's request in order that the parties could continue their preliminary discussions in and attempt to resolve this criminal proceeding by agreement of the parties. The preliminary examination is now scheduled for January 14, 2004. It is hoped and expected that the requested 70 day exclusion (November 17, 2003 to January 26, 2004) will permit the parties to reach such an agreement before the government is required to or inclined to seek an indictment.

Herein, both parties move, under 18 U.S.C. §3161(h)(8)(A), and §5(c)(1)(A) of Plan for Prompt Disposition of Criminal Cases of this Court, that this Court find, based on the above, that the

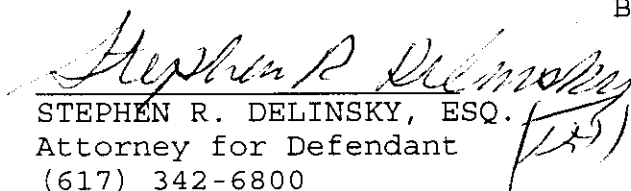
ends of justice served by granting the requested exclusion outweigh the best interest of the public and the defendant in a speedy trial, and, accordingly, exclude the requested 70 days in computing the time within which an information or an indictment must be filed under 18 U.S.C. §3161(b).

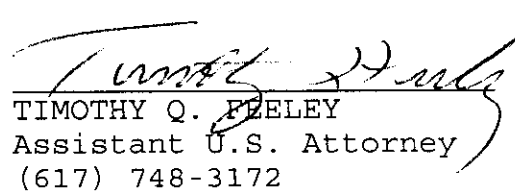
Respectfully submitted,

ANTHONY LAVELY
By His Attorney

MICHAEL J. SULLIVAN
United States Attorney

By:


STEPHEN R. DELINSKY, ESQ.
Attorney for Defendant
(617) 342-6800


TIMOTHY Q. FEELEY
Assistant U.S. Attorney
(617) 748-3172

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